

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NORMAN ALAN KERR,  
Petitioner,  
v.  
WARDEN,  
Respondent.

No. 2:23-cv-01148-WBS-JDP (HC)

ORDER

Petitioner, a federal prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2241. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 18, 2023, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within fourteen days. Petitioner has filed objections, which the court has considered, to the findings and recommendations. The court has also considered the Supplemental Brief filed by petitioner on August 21, 2023.

The court has reviewed the file and finds the findings and recommendations to be supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed July 18, 2023, are adopted in full;

2. Petitioner's Motion to Enter Supplemental Brier, ECF No. 10, is granted;

2. The petition, ECF No. 1, is dismissed as improperly brought under 28 U.S.C. § 2241;

3. The court declines to issue the certificate of appealability referenced in 28 U.S.C.

§ 2253; and

4. The Clerk of Court is directed to close this case and to enter judgment accordingly.

Dated: August 25, 2023



WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE